

From: Carl Ibsen [mailto:cibsen@co.missoula.mt.us]
Sent: Friday, February 06, 2009 2:10 AM
To: suemalek@gmail.com
Subject: HB228

Sue,

I have been a law enforcement officer in Missoula for more than 36 years. I have been informed that you are interested in input on this bill.

I see no major problems with the bill, now that it's original version has been modified by the judiciary committee. I have read Betty Wing's message to area law enforcement asking for support in the fight against the bill. I cannot fight the bill because I support it. I, unlike Betty, do not see the bill as horrifying. I will address each of Betty's points, as expressed in her message.

1. A careful reading of the current concealed weapons law will show you that in most of Montana, individuals can carry concealed weapons without a permit. Current law prohibits concealed carry in cities, towns, logging camps, lumber camps, mining camps and railroad camps. The rest of the state is open to concealed carry, without any permit needed. Concealed carry is also allowed, without a permit, at your place of business and your home. The prohibition on concealed carry is quite limited.

2. The public already has the right to arrest and turn an arrestee over to law enforcement.

3. Once one rents a residence or a temporary residence (hotel/motel room) it is their abode, not the landlords, for the duration of their paid period. That is why neither a landlord nor the proprietor of a hotel/motel can give permission to law enforcement, or anyone else, to access or search a home or room rented to some other person.

4. I do not follow the apparent reasoning that displaying a firearm, like in a road rage incident, will not be a crime. It would, as it does now, depend entirely on the situation and the total incident package, which cops call the totality of circumstances.

5. The public already has a right to defend themselves. They need that right until there is a cop hired and assigned to be with each and every citizen at all

times to protect them. The chances of a cop being on scene to protect any specific person, when they need it, is extremely low. It is a right, both under the law and under the laws of nature to be able and fit to protect oneself and ones property. That is as it should be. This new wording and codification within HB228 is simply a verbalization and strengthening of that right.

I have to admit that I see an item or two within HB228 that I would prefer slightly different wording on, but not substantially different substance. These areas do not include those areas that trouble Berry.

However, there is nothing in this bill that law enforcement cannot live with and work with. I also know that I would prefer slightly different wording of many of the laws that we, as law enforcement officers, deal with. Few, if any, are perfectly worded. HB228 is not perfect, no bill or law is.

That is why so much of the code is re-worked and modified over the years.

HB228 is a good step in the proper direction.

Respectfully,
Carl C. Ibsen

C. C. Ibsen
Senior Deputy
Missoula County Sheriff's Department
200 W. Broadway
Missoula, MT 59802

cibsen@co.missoula.mt.us
Phone: 406-531-0346
Fax: 406-721-8575

On Thu, Feb 5, 2009 at 10:40 AM, David Merifield
<dmerifield@co.missoula.mt.us> wrote:
Sue,

As a 14+ year veteran of law enforcement, I do not see any glaring problems with HB 228 now that the old section 5 and old section 6 have been deleted or modified.

It is not the responsibility of law enforcement, or any other government entity, to protect each and every citizen, 24hrs a day, wherever they might be, especially in their own home. Even if it were, it would be impossible to do. That responsibility falls on the individual adult citizen. This bill would help ensure that individuals will keep that right. If some choose not to exercise it, that is their choice, but we should not deny that right to those that wish to exercise it responsibly.

The first three issues that Betty expresses below, are non-issues. People have the right and responsibility to protect them selves at all times, and the public already has the ability to make private arrests.

The fourth (road rage incidents) would still be a crime, if the person unjustifiably points a gun at someone else.

The fifth issue, more freedom for the public to use deadly force in protecting their homes, is again a non-issue, in that there is already a basic right to self-defense, especially within your own home. This bill just clarifies and strengthens it.

Thank you for your time and consideration.

Respectfully,

David Merifield

Detective David Merifield
Missoula County Sheriff's Department
200 W. Broadway
Missoula, MT 59802
dmerifield@co.missoula.mt.us
(406) 258-3713 - Desk
(406) 531-0335 - Cell

Please support HB228.

I'm a retired beat cop from the murder capitol of America - inside the DC Beltway, so I understand firsthand the arguments, pro and con. I now live safely in MT with my family and the lawful means to protect them

That I would cashier my career and uproot my family should demonstrate how strongly I feel about this important issue.

I look forward to your support on HB228.

Sincerely,

Mark Riedl

Florence, MT

"Mark Riedl" <markriedl@yahoo.com>

Rep. Kerns,

Gary Marbut has asked that I provide you a statement on H.B. 228 as a past law enforcement officer.

To establish the basis of my comments, please let me explain that I am a life-long resident of Montana. I graduated magna cum laude from MSU with a bachelors degree in criminal justice and a minor in philosophy. Having served as a sworn, full-time deputy sheriff early in my career, I attended numerous courses of training at the Montana Law Enforcement Academy and subsequently taught computer, communications, and search and rescue courses there as an adjunct instructor. I received basic and intermediate Police Officer Standards & Training (POST) certification and graduated first academically in MLEA Basic 50 (basic training). Following five years as a deputy sheriff, I held non-sworn positions for 15 years with the Departments of Justice and Administration in public safety roles. Throughout most of this time, I was a member of the MSPOA, serving as a board advisor on communications issues, a standing committee member, and with distinction as the association's only civilian task force chairman.

With this background, I have developed a strong appreciation for the unabridged right to self-defense. Montana has a strong, proud history of protecting this right. H.B. 228 furthers that tradition in important and necessary ways.

The very business of law enforcement proves the necessity of an armed citizenry capable of defending both itself and others. I have observed officials of Montana's law enforcement associations predict dire consequences in testimony against practically every self-defense bill that has come before the legislature in recent years. Not only have they been proven uniformly wrong with every bill that has passed, their testimony runs counter to hard evidence and appeals to vague fears. Violent crime rates continue significantly downward trends, not coindentally with liberalized self-defense laws. Despite this evidence, some Montana law enforcement officials continue to decry every attempt to further support the right.

I cannot, nor will I, believe that the opposition to civil liberties expressed by these individuals represents the

opinion of the rank and file of Montana law enforcement. My experience working with law enforcement officers from the lowest to the highest ranks suggests that as rank increases, so generally does a commitment to restrain the right to self-defense. There are exceptions, of course, but I've invariably found myself on opposite sides from high officials of these law enforcement associations and the Department of Justice, many of whom I know very well, in legislative hearings.

I thank you for your support of H.B. 228 and ask that you look at your fellow citizens to judge their propensity to become violent criminals, rather than turn to the testimony of law enforcement administrators and high officials who tend toward an exaggerated view of criminality in the general populace, yet are unable to guarantee any individual's safety. Nor should they. The finest guarantee is the ability to defend oneself and one's family. H.B. 228 will improve Montana citizens' ability to do so.

Dan

Dan Hawkins
1821 Choteau St.
Helena, MT 59601

Members, Montana Senate Judiciary Committee

I would like to let you know that as a Reserve Deputy Sheriff of Stanislaus County, California. I had full time peace officer powers. I was responding officer to numerous calls involving gun related issues. Almost all of them involved gang members, drug dealers or users, thefts, armed robbery, and other felony offenses.

There were very few involving a honest citizen, the only ones I can recall that involved honest citizens were self defense calls where a citizen needed his gun to stave off crimes against the citizen or his family. Often times the crime was averted without actual use of deadly force even though it was warranted. The mere presence of a gun in the hands of an honest citizen averted the crime. I can assure you that in each instance the citizen was really scared often requiring some time to be able to tell us what had happened.

I would strongly urge you to not take any action that would hinder the honest citizen the right or means of self defense. HB 228 would help the honest citizen to be able to defend him or herself in the event he or she was attacked. We have a lot of senior citizens in Montana, they are the least able to defend themselves against attack from criminals who are usually younger, stronger, and better armed. Criminals don't pay any attention to laws. Honest citizens do. Please don't hinder the honest citizen from the right of self defense.

Thank you for your consideration.

Sincerely,

Frank Vaccaro
Dillon, Montana

Members, Senate Judiciary Committee

In Support of HB 228

Dear Senators,

I have heard of the recent introduction of House Bill 228 in your state legislature. I have also heard that some police organizations are opposing this bill.

I am a working police officer in Texas. I have been a police officer for approximately 30 years. I have a Bachelor's degree in Criminal Justice and a Master's degree in Management. I currently work as an instructor in a state police academy. I would like to voice support for this bill.

I am a firm believer in every person's right to defend himself. This includes the right to have the legal authority to do so and not fear being criminally charged for doing so.

In my years of patrol experience, I have been called to the scene of many crimes. It was very rare that I made it to the scene of any crime while it was still in progress. This is why I believe people must be able to defend themselves.

I have been called to the scene of many attempted crimes where a person defended himself. This happens so often that it is not considered newsworthy by the media any longer. I have never had a case where a person defending himself hurt an innocent person though I recognize this does occur. It happens so rarely that it is still considered worthy of the national news most of the time that it occurs. This imbalance in the reporting may cause some people to think that the accidents and wrongful injuries occur more often than the successful defense does.

Two years ago, Texas implemented a law similar to what HB 228 implements for your state. We have not seen any increase in accidental shootings or wrongful injuries of innocent people. There has been a slight increase in the number of self-defense shootings where criminals get hurt. I have never yet seen an officer hurt as a result of the increased self defense use.

I may be more callous than some people, but I am honestly not as concerned about the health of the criminal as I am about the health of the victims. Self-defense laws like this help protect the lives of innocent people that would otherwise be victims of violent crime.

If there are any questions about my opinion, please feel free to contact me.

Sincerely,
Stephan Rothstein
srothstein@earthlink.net

3/13/2009

From:
Charles Woolley
424 High Country Rd.
Plains, MT 59859

To: Members of Montana Senate Judiciary Committee

RE: Section 3, HB 228

I worked as a firearms instructor/armorer at the Smith & Wesson Academy for several years (1997-1999) and was involved in the training of police, military, and civilians in the safe and effective use of firearms.

In regard to Section 3, HB228, Defensive display of a firearm, I feel that it is quite reasonable to actually define precisely what actions should be considered illegal and what actions may require use of force under Title 45.

To not do so, leaves a gray area of law and as an instructor in the proper use of concealed weapons here in Montana, makes it difficult to give specific legal guidelines to my students regarding display or verbal warnings regarding their possession of a weapon, particularly if it could prevent an attack and thus prevent employment of lethal force.

I understand that law enforcement officers may feel restricted in their ability to assess and act in a situation involving "brandishing" a weapon, however, there is an obvious difference between "brandishing" which involves reckless endangerment by waving and pointing the weapon and "display or warning" which is only a means of informing a potential assailant that the victim is armed and able to defend themselves against attack.

I believe it is not a danger to law enforcement officers in the performance of their duties to legally define what is and is not allowed. On the contrary, it seems most reasonable to have easily understood laws. I also believe it is an insult to the intelligence of these officers to insinuate that they cannot tell the difference between reckless "brandishing" and mere "defensive display" and must therefore have the latitude to arrest or use force in reaction to any display of a weapon.

Sincerely,

Charles Woolley

I, Austin Hecker, a Reserve Deputy with the Jefferson County Sheriff's Office, rise in support of HB228. I feel that the bill has been intelligently written and clarifies an individual's rights protected under the Constitution. Please vote "Yes" on HB228.

A handwritten signature in black ink, appearing to be 'A. Hecker', is written over a horizontal line.

Memorandum

To: MSSA
CC: Legislative sponsor
From: Bill Szedlar
Date: 2/24/2009
Re:

I have enclosed documents that support my past service to this country while in the armed forces and as a sworn police officer. Innocent until proven guilty is a traditional hallmark of justice in a free society. Any law that shifts the burden of culpability to the defendant in cases of self-defense until a finding of exoneration or guilt is counter culture. The Montana case involving Longstreth is a prime example.

Enclosed is also brief documentation that reinforces the fact government is only required to respond, not to protect free citizens. Only citizens in government custody (the bad guys) are guaranteed armed protection. The motto to "protect and serve" has been eviscerated and replaced with the motto "to respond and investigate". We all know that police departments are structured toward reactive versus proactive duties regarding self-defense.

The locale that I patrolled had the appalling honor of exceeding one hundred and eighty homicides a year. I worked a beat that frequently had the same store robbed twice in one shift. The irony of this is that the area (Washington DC metro) has some of the strictest anti self-defense laws in the country. Guns don't cause crime, criminals do. Likewise gun shows are statistically safer than public schools, even though schools are "gun free zones".

I recall the time that I stopped a young woman for a routine traffic violation and noticed several .22 rounds on the passenger floorboard of her vehicle. She admitted to having a gun in the car for protection (violation of Maryland law) and proceeded to tell me that her dad, a world war two vet, had told her he witnessed first hand the atrocities of citizens being "pressured" into giving up their right of self-protection by governments. I sent the tearful woman on her way without so much as a warning and told her to be thankful for such a caring father. Smiling I got back into my patrol car knowing my wife was currently in violation of the very same law, having at least a fighting chance in any threat to her survival.

Please think of your wives, daughters, neighbors, elderly, handicapped and friends when you vote to either destroy or defend "innocent until proven guilty".

Will Szedlar